

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

EVELYN KELLY,

Plaintiff,

v.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

Case No. 04-72865

Hon. Gerald E. Rosen

Magistrate Judge R. Steven Whalen

**ORDER ADOPTING  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on March 30, 2006

PRESENT: Honorable Gerald E. Rosen  
United States District Judge

On June 27, 2005, Magistrate Judge R. Steven Whalen issued a Report and Recommendation ("R & R") recommending that the Court deny Plaintiff Evelyn Kelly's motion for summary judgment and grant the Defendant Commissioner of Social Security's motion for summary judgment. No objections have been filed to the R & R.

Having reviewed the R & R, the parties' underlying cross-motions, and the administrative record, the Court concurs in the Magistrate Judge's thorough analysis, and adopts the R & R in its entirety. As observed by the Magistrate Judge, while there is no denying that Plaintiff suffers from significant impairments, the Administrative Law

Judge's decision to deny benefits nonetheless satisfies the standard of review that governs this Court's scrutiny of that decision. Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's June 27, 2005 Report and Recommendation is ADOPTED as the ruling of this Court. IT IS FURTHER ORDERED, for the reasons stated in the R & R, that Defendant's motion for summary judgment is GRANTED, and that Plaintiff's motion for summary judgment is DENIED.

s/Gerald E. Rosen  
Gerald E. Rosen  
United States District Judge

Dated: March 30, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 30, 2006, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry  
Case Manager